

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Edgemont School District
Accountability Review - Focus Monitoring Report 2008-2009**

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Dates of On Site Visit: November 4 and 5, 2008

Date of Report: December 22, 2008

3 month update due: March 22, 2009

Date Received:

6 month update due: June 22, 2009

Date Received:

9 month update due: September 22, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels:

State Performance Plan – Indicator 5: Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21%
- B. Removed from regular class greater than 60% of the day: or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

Finding: The team met to review and provide technical assistance to special education teachers and director who complete IEP's including writing the configuration of services delivered. Additional training will be provided in the areas of referral, prior notice, evaluation and eligibility and IEP development.

Corrective Action: None

2. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels:

State Performance Plan – Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills;
- B Acquisition and use of knowledge and skills; and
- C. Use of appropriate behaviors to meet their needs.

Finding: The team met to review and provide technical assistance to special education staff who enter information into the data collection system. Additional training is needed on coding of progress notes.

Corrective Action: None

1. GENERAL SUPERVISION

Present levels:

Out of compliance

Issues requiring immediate attention

One student had an IEP due on September 17, 2002 and a three-year reevaluation due on September 20, 2002. Neither of these was scheduled to meet by the needed timelines.

The students were found to be eligible students with disabilities through the IEP team override process. However, the process defined in ARSD 24:05:24.01:31 was not followed by district staff.

ARSD 24:05:24.01:31. IEP team override.

If the IEP team determines that a student is eligible for special education or special education and related services because the student has a disability and needs special education even though the student does not meet specific requirements in this chapter, the IEP team must include documentation in the record as follows:

(1) The record must contain documents that explain why the standards and procedures that are used with the majority of students resulted in invalid findings for this student;

(2) The record must indicate what objective data were used to conclude that the student has a disability and is in need of special education. These data may include test scores, work products, self-reports, teacher comments, previous tests, observational data, and other developmental data;

(3) Since the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision; and

(4) The IEP team override decision must include a sign-off by the IEP team members agreeing to the override decision. If one or more IEP team members disagree with the override decision, the record must include a statement of why they disagree signed by those members.

The district director of special education shall keep a list of students on whom the IEP team override criteria were used to assist the state in evaluating the adequacy of student identification criteria.

ARSD 24:05:16:16.01. Paraprofessionals and assistants

Through interviews, the monitoring team found the district has not trained paraprofessionals who are working with special needs students. The comprehensive plan for the Edgemont district states on page 87 that the paraprofessionals will have training 2 times a year. This training has never been offered to the paraprofessionals. Two of the paraprofessionals have never seen the IEPs for students they are working with including goals, objectives and modifications.

ARSD 24:05:24. Referral Procedures

The review team found all referrals are not documented, only one written referral was found for students 7-12.

Follow up: November 5, 2008

Finding: Through file reviews and staff interviews, the team determined no IEP team override decisions have been since the last special education review. The team also determined adequate training is available for 5 paraprofessionals working within the district. Referrals are documented in files of students recently referred for special education and related services.

Corrective Action: None

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of September 20, 2002)

Out of compliance

ARSD 24:05:04:02. Determination of needed evaluation data

A team of individuals, including input from the student's parents, determines what evaluation data is needed to support eligibility and the child's special education needs. Through interviews

and file reviews with staff the review team concluded that the district does not implement a procedure for documenting parental input. Evidence of parent involvement into the evaluation process was not available in a review of 13/15 student records.

Through fourteen file reviews and interviews, the review team found no evidence of parental input into the evaluation process.

ARSD 24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, a child is assessed in all areas related to the suspected disability and those evaluation procedures include a variety of assessment tools and strategies to gather relevant functional and developmental information about the child. This is to include information provided by parents that may assist in determining whether the child is a child with a disability and the content of the child's IEP.

Six of the fifteen files reviewed showed no functional assessment in the evaluation process. Nine of the other files showed functional assessments being done, but the skills were not specific and they were not carried over into the present levels of performance.

Transition assessments were not completed for eligible students. There were no types of assessments that would assist with determining the student's interest area, interest inventory, independent living checklists, etc.

Follow-up: November 5, 2008

Finding: Through interviews and files reviews with staff the review team concluded that the district does not implement a consistent procedure for documenting parental input.

Through a review of student records, prior notice/consent continue to lack accurate information including no prior notice/consent for evaluation in the file, no prior notice for the meeting in the file, no prior notice to note date change from 3-21-07 to 3-28-07, evaluations listed on prior notice were not administered and evaluations were administered without consent.

ARSD 24:05:17:03 Annual report of children served

The district does not have required evaluation information to support eligibility for special education and related services for 4 students placed on the 2007 child count.

Through file reviews, the team noted children were not consistently evaluated in all areas of suspected disability. In the file of a student (1) transferring into the district from another district in state, the student did not meet the eligibility criteria for a specific learning disability. In another file, the student (2) scores did not meet the eligibility criteria for other health impaired due to no behavior/social assessment in the file. In student file (6), there was no evaluation in the area of achievement, therefore, it is impossible to determine the student eligible in the area of specific learning disability. The student is on the child count as specific learning disability (525), but on the IEP as speech/language 550. In student file (11), the student transferred from out of state into Edgemont school district. The district did not review the file information to determine eligibility for a specific learning disability in the state of South Dakota. The multidisciplinary team report was basically left blank. The only evaluation information included in the file was an ability test.

Functional assessment in the evaluation process is not consistently gathered, skill specific, summarized into the evaluation report and used in the development of present levels of performance. Functional assessment was not consistently addressed in all areas of suspected disability and included in present levels of performance statements. In two files reviewed, no transition evaluations were completed for students approaching transition age. Transition services were not consistently developed in order to design an outcome oriented process which promotes movement from school to post-secondary school activities. Transition activities were addressed but not linked to present levels of performance.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review, obtain prior notice/consent, complete follow-up evaluations in all areas of suspected disability for student files (1, 2, 6 and 11) and schedule and conduct a meeting to determine eligibility and develop an IEP for eligible students. 2. The district will attend a training provided by Education Specialist on December 5, 2008 in Edgemont at 8:30 AM . The training will emphasize the IEP process from referral to placement. <p>Data Collection:</p> <p>The district will submit to SEP the following data:</p> <ol style="list-style-type: none"> 1. The multidisciplinary team report for student files identified above which includes all of assessment information to support the disability category. 2. The district will submit a chart revealing date of referral, date of prior notice/consent, list of evaluations completed, date of evaluation report, date of prior notice for the meeting and date of IEP. 3. Written description of the process the district will implement to correct the discrepancies. 4. Training documentation to include the date staff training occurred, name of individual who provided the training, and sign-in sheet with names of all participants/position titles, who attended the training. 	<p>May 1, 2009</p> <p>January 1, 2009</p>	<p>Special Education Director and special education teachers</p>	

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of September 20, 2002)

Out of compliance

ARSD 24:05:27:01:03 Content of individualized education program

A student's IEP must contain present levels of performance based upon the skill areas affected by the students identified disability. The present levels of performance are based upon the

functional assessment information gathered during the comprehensive evaluation process. In 12/15 files reviewed present levels of performance were not linked to evaluation and were not skill specific. Present levels of performance were vague. For example: "Math reasoning, numerical operations, reading comprehension". Present levels of performance for students in the area of transition were not found. In four files of students with a specific learning disability and related services of speech and Occupational Therapy, there were two separate present levels of performance; one for speech and one for learning disabilities with no mention of Occupational Therapy. Ten of fifteen files reviewed showed no information about how the disability of the student affects their involvement and progress in the general curriculum.

For each student beginning at age 14, the IEP must include a statement of the transition service needs of the student that focuses on the student's course of study. For each student beginning at age sixteen a statement of the needed transition services is required including interagency responsibilities or any needed linkages. Through interview and file reviews the review team found transition evaluation was not administered for students approaching transition age, in order to design an outcome oriented process which promotes movement from school to post-secondary school activities. Transition activities were addressed but were not tied to current present levels of performance and evaluation. Life planning outcomes are required at age 14. Under "employment," two files listed the same outcome- " plans on entering the world of competitive employment as an adult." There was no specific job the student wanted to pursue listed. There is no documentation of outside agencies being invited to the IEP meetings for students 16 and older.

In determining what modifications would be needed for state/district wide assessments, the IEP contained a list of modifications that did not correlate with how the student would be tested on a regular basis or the testing modifications required by the student to benefit from the program. Three students were identified to have the tests read orally, when their IEPs showed no indication of a reading disability.

Follow-up: November 5, 2008

Finding:

Through a review of 5 student files, data gathered by the team indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for state/district wide assessment were not consistently used during the assessment administration.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
1. The district will review current policy/procedure with the special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Provide training to ensure special education staff and testing coordinator are proficient in the implementation of the procedures/process. 4. Implement procedures and collect data to verify accommodations are appropriately documented and	March 1, 2009	Special education director and special education staff	

provided during state/district assessments.

Data Collection:

The district will collect and submit to SEP the following data:

1. Written description of the district's review process to identify why the discrepancies are occurring.
2. Written description of the process the district will implement to correct the discrepancies.